

REMARKS

By the above amendment in the accompanying RCE, claims 2 and 5 have been canceled without prejudice or disclaimer of the subject matter thereof, with the features of the dependent claims being incorporated into parent claims 1 and 4, while further defining in claims 1 and 4 other features of the present invention.

More particularly, claims 1 and 4 have been amended to recite the feature that the memory includes a plurality of predetermined areas of changeable size, and that the size of each of the plurality of predetermined areas of the memory is changed in dependence upon a frequency of the accesses for reading out information, as described at page 13, lines 24 - 30 of the specification. That is, as described, the buffer 106 which represents a memory includes a buffer area A301 and a buffer area B302, wherein it is pointed out "for the buffer areas divided within the buffer 106 mentioned above, it is not always necessary to be set fixedly in the sizes thereof, but the sizes of those buffer areas may be altered in accordance with the count value of the request". In a case where a ratio, such as, 9 to 1 (9:1) is obtained from the values of the frequency counters, between the data having high generation frequency and the data of general use, for example, it is possible to determine the ratio of sizes of the buffer area A301 and the buffer area B302 to be 9 to 1 (9:1) too.". Thus, it is apparent that the now recited features of claims 1 and 4 are supported in the original application.

As to the rejection of claims 1 - 6 under 35 USC 103(a) as being unpatentable over Naruse (JP 411016269A) further in view of Uehigashi (JP 2002230795A), this rejection is traversed insofar as it is applicable to the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

In applying Naruse to the claimed invention, the Examiner indicates that Naruse teaches memorizing information which follows information upon which a transfer request is made from the host computer into a predetermined area of the memory, and that the memory comprises predetermined areas in a plural number, as represented by the buffer memory 14 and the buffer memory 15 of Naruse. The Examiner, however, recognizes that "Naruse fails to teach the transferred request made in dependence upon a frequency of the accesses for reading out information obtained through the supervision thereof". Irrespective of the Examiner's contentions concerning Naruse, applicants submit that there is no disclosure or teaching in Naruse concerning the size of the buffer memory 14 and the buffer memory 15, nor that the buffer memory 14 and the buffer memory 15 are of changeable size, and in particular, Naruse fails to disclose or teach changing of the size of each of the buffer memory 14 and the buffer memory 15 in dependence upon a frequency of the accesses for reading out information obtained through the supervision thereof, as recited in each of independent claims 1 and 4 and the dependent claims of this application. Accordingly, applicants submit that claims 1 and 4 and the dependent claims recite features which patentably distinguish over Naruse and all claim should be considered allowable thereover.

With respect to Uehigashi, the Examiner contends that Uehigashi teaches the transfer request made in dependence upon a frequency of the accesses for reading out information obtained through the supervision thereof. However, Uehigashi, does not disclose or teach that a memory includes a plurality of predetermined areas of changeable size, and that the size of each of the plurality of predetermined areas of the memory is changed in dependence upon a frequency of the accesses for reading out information obtained through the supervision thereof, as recited in claims 1 and

4. Thus, applicants submit that neither Naruse nor Uehigashi provide a disclosure or teaching of the recited features of independent claims 1 and 4 and the dependent claims thereof, as amended, and that the proposed combination necessarily fails to disclose or teach the recited features of independent claims 1 and 4 and the dependent claims thereof. Accordingly, applicants submit that all claims patentably distinguish over Naruse and Uehigashi, taken alone, or in any combination thereof in the sense of 35 USC 103, and all claims should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that this application should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.43638X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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